

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FREESCALE SEMICONDUCTOR, INC.	§	CIVIL ACTION NO. 1:12-cv-644-LY
	§	(LEAD CASE)
Plaintiff,	§	
	§	
v.	§	
	§	
FUNAI CORPORATION, INC.;	§	
FUNAI ELECTRIC CO, LTD.;	§	
CSR TECHNOLOGY, INC.; ZORAN	§	
CORPORATION; MEDIATEK INC.;	§	
MEDIATEK USA INC.;	§	
VIZIO, INC.; SANYO ELECTRIC CO., LTD.;	§	
SANYO NORTH AMERICA CORPORATION;	§	
SANYO MANUFACTURING	§	
CORPORATION; TPV TECHNOLOGY	§	
LIMITED; TPV INTERNATIONAL (USA)	§	
INC.; TOP VICTORY ELECTRONICS	§	
(TAIWAN) CO., LTD.; TOP VICTORY	§	
ELECTRONICS (FUJIAN) CO., LTD.;	§	
ENVISION PERIPHERALS, INC.; AMTRAN	§	
TECHNOLOGY CO., LTD;	§	
AMTRAN LOGISTICS, INC., AND	§	
MARVELL SEMICONDUCTOR, INC.	§	
	§	
Defendants.	§	

**OPPOSED MOTION FOR LEAVE TO FILE THIRD AMENDED
CONSOLIDATED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Freescale Semiconductor, Inc. ("Freescale"), hereby moves to file a Third Amended Consolidated Complaint against Defendants Funai Corporation, Inc.; Funai Electric Co., Ltd.; MediaTek, Inc.; MediaTek USA Inc.; Vizio, Inc.; TPV Technology Limited; TPV International (USA) Inc.; Top Victory Electronics (Taiwan) Co., Ltd.; Top Victory Electronics (Fujian) Co., Ltd.; Envision Peripherals, Inc.; AmTran Technology Co., Ltd.; AmTran Logistics, Inc.; and Marvell Semiconductor, Inc. (collectively "Defendants").

In support of this motion, Freescale would show that in the Third Amended Consolidated Complaint (attached as Exhibit A) Freescale has withdrawn claims of infringement against CSR Technology Inc. and Zoran Corporation (the “CSR Parties”) pursuant to a Binding Settlement and License Agreement (“Agreement”). Pursuant to the Agreement, Freescale has also withdrawn claims or portions of claims of infringement against Defendants Funai Corporation, Inc., Funai Electric Co., Ltd. (collectively “Funai”), SANYO Electric Co., Ltd., SANYO North America Corporation, SANYO Manufacturing Corporation (collectively “SANYO”), TPV Technology Limited, TPV International (USA) Inc., Top Victory Electronics (Taiwan) Co., Ltd., Top Victory Electronics (Fujian) Co., Ltd., and Envision Peripherals, Inc. (collectively “TPV”) to the extent Freescale’s claims against the forgoing defendants are based on their use or right to use in their products certain CSR Products (as defined by the Agreement). Each cause of action asserted against the remaining Defendants is based solely upon Defendants’ conduct that has not been released by Freescale pursuant to the Agreement.

Freescale has also revised its assertion of claims to each Defendant to conform to the claims asserted in Freescale’s March 1, 2013 Disclosure of Asserted Claims and Infringement Contentions.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), I certify that counsel for Freescale conferred with Defendants’ counsel regarding the matters raised in this motion. Specifically, on September 17, 2013, counsel for Freescale contacted counsel for Defendants. Counsel for the Funai Defendants indicated that the Funai Defendants oppose the motion. Counsel for the AmTRAN Defendants objected that the list of accused products in the proposed Third Amended Consolidated Complaint should be corrected during this amendment process, but does not otherwise object at this time to Freescale’s motion to amend the portions of the Second Amended Consolidated

Complaint sought to be amended herein. Counsel for the MediaTek Defendants have not taken a position as of the filing of this motion. All other Defendants indicated that they do not oppose the motion.

Dated: September 18, 2013

/s/Alan D Albright
Alan D Albright

Dated: September 18, 2013

Respectfully submitted,

By: /s/Alan D Albright

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***Counsel for Plaintiff,
Freescale Semiconductor, Inc.***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(b)(1) on September 18, 2013:

All others will be served via e-mail.

/s/ Alan D Albright

Alan D Albright

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TECHNOLOGY CO., LTD;	§
AMTRAN LOGISTICS, INC., AND	§
MARVELL SEMICONDUCTOR, INC.	§
	§
Defendants.	§

**ORDER GRANTING OPPOSED MOTION FOR LEAVE TO FILE THIRD
AMENDED CONSOLIDATED COMPLAINT FOR PATENT INFRINGEMENT**

The Court having considered Freescale's Motion for Leave to file its Third Amended Consolidated Complaint, hereby **GRANTS** Freescale's motion for leave to file its Third Amended Consolidated Complaint.

So ORDERED, this the day _____ of September, 2013.

THE HONORABLE LEE YEAKEL
UNITED STATES DISTRICT JUDGE